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Stephanie Potts
Cap-and-Invest Program Linkage Planner
Department of Ecology
Submitted via public comment form: <https://ecology.commentinput.com/?id=dh3NgpHmA>

Re: Draft Washington-California-Québec linkage agreement

Dear Ms. Potts,

Thank you for extending the public comment period on the Draft Washington-California-Québec linkage agreement related to the Climate Commitment Act (CCA).

By all accounts linkage will bring lower allowance prices and less money for climate and resiliency investments:

Lower revenues may affect the state's timeline for achieving the CCA emissions targets by reducing investments and delay benefits for overburdened communities. (1)

Given the 2026 legislature's unprecedented use of CCA funding to meet budget shortfalls (2), the prospect of lower CCA investment revenues is especially concerning. State climate goals may not be met, and there will be less revenue available to mitigate impacts to overburdened communities.

Research on California's cap-and-trade program (3) shows that market-based systems have not consistently delivered air quality improvements in disadvantaged communities without additional safeguards.

Ecology's own Environmental Justice Assessment (4) acknowledges that impacts to overburdened communities are uncertain, largely because polluting industries can choose where to reduce emissions. This uncertainty means that pollution reductions may happen elsewhere while pollutants affecting particular communities persist.

And if facility-specific emission reductions proposed by the Environmental Justice Council into the CCA are not feasible at this time (5), then clearly overburdened communities will be worse off as a result of linkage.

Here is one example. In the case of Concentrated Animal Feeding Operations (CAFOs), it is very possible that pollution reductions will *not* occur given the perverse incentive to increase manure output to monetize avoided methane credits in California's cap and invest system (6).

CAFOs in rural communities can lead to serious health effects due to CAFOs' effects on the air, land and water (7). In fact, CAFO waste emits as many as 168 gases, including hazardous chemicals such as ammonia, hydrogen sulfide and methane. In the lower Yakima Valley, monitoring well testing indicates that much of the water is tainted with high levels of nitrogen (8).

To the extent that the proposed linkage between Washington's carbon market and that of Quebec would encourage the use of digesters to manage methane emissions, we would argue the following:

While digesters capture some methane, they can actually increase the amount of ammonia (9) and nitrate in the manure (10). In addition, the resulting digestate contains concentrated ammonia and other forms of nitrogen, which when sprayed on neighboring fields, leads to algae blooms in waterways (11). The concentrated ammonia that comes from digestate is also a serious health risk according to a study by the National Academy of Sciences (12), which links thousands of premature deaths to particle pollution generated by ammonia emissions from agriculture. And a more recent study by researchers from the University of California and the University of Michigan (13) confirms that counties with large CAFO operations experience higher particulate matter, and notes that Washington has 408 cattle CAFOs and is one of the top 10 states with the highest number of cattle CAFOs. Finally, digesters can enhance the ability of the waste to pollute water sources with nutrients like phosphorus and nitrogen (14).

Given that these serious health concerns are associated with CAFOs in rural communities, including in Yakima County where a large portion of the community is Hispanic (15), the Department of Commerce is obligated to comply with the HEAL Act, which requires the agency to identify and address environmental health disparities in overburdened and vulnerable communities. One example of a likely violation of the HEAL Act is the civil rights complaint that Friends of Toppenish Creek filed with the EPA in 2024 (16), alleging that the Yakima Clean Air Agency has failed to adequately respond to complaints of poor air quality by residents of southern Yakima County. For our state to continue to fund digesters – which can lead to increased CAFO pollution – would be a likely violation of the HEAL Act.

California has failed to adequately manage CAFO emissions for decades and contemplated measures will be extremely expensive (17). Washington's CAFOs are under-regulated and over-subsidized (18). Stronger and more effective regulation for manure management in Washington is needed *before* linkage with California reduces CCA revenues.

Finally, as we noted in our comment three years ago (19), a baseline report on the effectiveness of the Climate Commitment Act's investments, and those by covered entities, in reducing greenhouse gas emissions should precede linkage. We strongly recommend that the legislature have adequate time to review the 2027 effectiveness report before linkage is implemented.

Sincerely,

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350 Seattle works toward climate justice by organizing people to make deep system change: resisting fossil fuels; building momentum for healthy alternatives; and fostering resilient, just, and welcoming communities.

References

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